

### **REMARKS**

Claims 1, 3 to 24 and 27 to 32 remain pending in the application without amendment. Claim 2 is hereby amended. Claims 25 and 26 are cancelled without prejudice.

#### **Specification**

The Office Action (OA) states that the title of the invention is not descriptive. The Applicant proposes to amend the title to read: "Method and Computer-Readable Medium for Delivering Hybrid Static and Dynamic Content to a User of a Computer System". The Applicant believes the proposed title is sufficiently descriptive and will amend it if the Examiner agrees to the proposed title.

#### **Claim rejections – 35 U.S.C. §101**

Claims 25-26 are rejected under section 101 for being directed to non-statutory subject matter. Claims 25 and 26 are cancelled without prejudice.

This rejection is now overcome and should be withdrawn.

#### **Claim rejections – 35 U.S.C. §112**

Claim 2 is rejected under section 112 as being indefinite. The Applicant proposes to amend claim 2 to add the words "instructions of" after the word "executing". The Applicant believes the proposed wording is responsive to the rejection.

The rejection is now overcome and should be withdrawn.

#### **Claim rejections – 35 U.S.C. §102**

Claims 1 to 32 are rejected under section 102 as being anticipated by Alda et al. US application no. 2005/0066317 (Alda).

For anticipation under 35 U.S.C. § 102, the reference "must teach every aspect of the claimed invention either explicitly or impliedly. Any feature not directly taught must be inherently present." (MPEP §706.02). "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

The Applicant submits that the rejection under section 102 does not meet the above-noted criteria and hence does not constitute a *prima facie* case of anticipation. The Applicant therefore respectfully disagrees with this rejection and believes that the rejection is improper for the reasons stated below.

Referring to claim 1, the OA states that Alda discloses the method of claim 1 while using complete pages as the basis for the anticipation of the elements of the claims. For example, the OA states that Alda discloses "(a) instantiating a first functional module on the computer system (e.g., page 13)" and "(d) accessing a repository of static content (e.g., page 17)".

The OA's section 102 rejection does not constitute a *prima facie* case of anticipation and is improper since it does not state which specific portion(s) of the cited pages disclose, explicitly or inherently, the limitations of the claims. With the rejection as it stands now, the Applicant cannot provide proper counter-arguments since there is no basis for comparing the limitations of claim 1; that is, the Applicant cannot compare limitation (a) of claim 1, for example, to an entire page of Alda.

"The examiner bears the burden of presenting at least a *prima facie* case of anticipation. Only if that burden is met, does the burden of going forward shift to the applicant." In re Samuel S.M. SUN, Susan B. Altenbach and Jeffrey Townsend. 31 U.S.P.Q.2d 1451 (Fed. Cir. 1993).

The Examiner did not meet the burden of presenting a *prima facie* case of anticipation for the rejected claims.

In view of the arguments provided above, the Applicant requests that the rejection be withdrawn, or, if justified, that a proper rejection be provided.

Claims 1 to 32 are rejected under section 102 as being anticipated by Omoigui US application no. 2003/0126136 (Omoigui).

The OA's rejection in view of Omogui is similar in that entire pages are cited as anticipating specific limitations of the claims.

For the same reasons as stated above, the Applicant respectfully disagrees with this rejection and believes that the rejection is improper. In view of these arguments, the Applicant requests that the rejection be withdrawn, or, if justified, that a proper rejection be provided.

Claims 1 to 32 are rejected under section 102 as being anticipated by Ferrer US application no. 2005/0086605 (Ferrer).

The OA's rejection in view of Ferrer is similar in that entire pages are cited as anticipating specific limitations of the claims.

For the same reasons as stated above, the Applicant respectfully disagrees with this rejection and believes that the rejection is improper. In view of these arguments, the Applicant requests that the rejection be withdrawn, or, if justified, that a proper rejection be provided.

The Applicant submits that all other claims herein not discussed, are dependent upon claims discussed or comprise the limitations discussed herein, and are deemed allowable by the Applicant and thus should also be found allowable.

It is submitted, therefore, that the claims are in condition for allowance. Reconsideration of the Examiner's rejections is respectfully requested. Allowance of claims 1 to 24 and 27 to 32 at an early date is solicited.

In the event that there are any questions concerning this amendment or the application in general, the Examiner is respectfully urged to telephone the undersigned so that prosecution of this application may be expedited.

Respectfully submitted,

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